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Fifty-first session
FIRST COMMITTEE
Agenda item 71 (k)

GENERAL AND COMPLETE DISARMAMENT

Colombia, Costa Rica, Fiji, Ghana, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Marshall Islands, Mexico, Mongolia, Myanmar, Namibia, Niger, Philippines, Samoa, Solomon Islands, Uruguay, Viet Nam and Zimbabwe: draft resolution

Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons

The General Assembly,

Recalling its resolution 49/75 K of 15 December 1994, in which it requested the International Court of Justice to render an advisory opinion on whether the threat or use of nuclear weapons is permitted in any circumstance under international law,

Mindful of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

Recalling its resolution 50/70 P of 12 December 1995, in which it called upon the Conference on Disarmament to establish an ad hoc committee on nuclear disarmament to commence negotiations on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons within a time-bound framework,

Recalling also the Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the objective of determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally with the ultimate goal of eliminating those weapons,

Recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Reaffirming the commitment of the international community to the goal of the total elimination of nuclear weapons and welcoming every effort towards this end,

Reaffirming the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum,

Noting the adoption of the Comprehensive Nuclear-Test-Ban Treaty by the General Assembly in its resolution 50/245 of 10 September 1996,

Regretting the absence of multilaterally negotiated and legally binding security assurances from the threat or use of nuclear weapons against non-nuclear-weapon States,

Convinced that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth,

1. Expresses its appreciation to the International Court of Justice for responding to the request made by the General Assembly at its forty-ninth session;

2. Takes note of the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996; 1/

3. Underlines the unanimous conclusion of the Court that "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control";

4. Calls upon all States to fulfil that obligation immediately by commencing multilateral negotiations in 1997 leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing,

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deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

5. Requests the Secretary-General to provide necessary assistance to support the implementation of the present resolution;

6. Decides to include in the provisional agenda of its fifty-second session an item entitled "Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons".